

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD)(SN) ECF Case
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This document relates to:

*Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.*, No. 15-cv-9903

**NOTICE OF PLAINTIFFS' RULE 60(a) MOTION TO CORRECT  
CLERICAL ERRORS IN PARTIAL FINAL DEFAULT JUDGMENT**

*Burnett/Iran* Plaintiffs Jordan A. Lyles and Justin A. Lyles, by and through undersigned counsel, move under Federal Rule of Civil Procedure 60(a) for an order correcting this Court's July 29, 2022 Order of Partial Final Default Judgments on Behalf of the Burnett/Iran Plaintiffs identified at Exhibit A (*Burnett/Iran* XXV) (ECF No. 8293) ("July 29th Order"), and for the below reasons state as follows:

- 1) Plaintiffs have discovered clerical errors in the July 29<sup>th</sup> Order, as well as United States Magistrate Judge Sarah Netburn's July 26, 2022 Report and Recommendation (ECF No. 8268) ("Report") related to the solatium damages awarded to Plaintiffs Jordan A. Lyles and Justin A. Lyles as identified in Exhibit A.
- 2) These errors consist of: the Court adopted in full the Report, in which Magistrate Judge Netburn recommended to this Court that "**Jordan Lyles be granted the full solatium award granted to biological children who [sic] parents were killed in the September 11 Attacks, \$8,500,000, and that Justin Lyles be awarded half this sum, \$4,250,000.**" See Report, at 9-10 (emphasis added). However, after analyzing the facts and recommending these specific solatium judgment amounts for Plaintiffs Jordan Lyles and

Justin Lyles in the body of the Report (and clearly intending to award to Jordan Lyles twice the solatium judgment amount of Justin Lyles), the Report issued by Magistrate Judge Netburn inadvertently reversed these two solatium award amounts for Plaintiffs Jordan Lyles and Justin Lyles in the Report's "Table 2: Solatium Awards" summary. In so doing, the Report included two clerical errors. *See Report, at 14 (erroneously listing **Jordan A. Lyles** as receiving a solatium damages award of \$4,250,000, and **Justin A. Lyles** as receiving a solatium damages award of \$8,500,000) (emphasis added).*

Relying upon the Report, this Court found that "**Magistrate Judge Netburn properly recommended awards of solatium damages for Plaintiffs listed in Exhibit A of this opinion ... The Report accurately describes the relevant relationships and considers the relevant factors in evaluating whether the relationships are functionally equivalent to familial relationships. Especially in Magistrate Judge Netburn's recommendation to limit damages as to Plaintiffs ... Justin Lyles ...**" *See July 29th Order, at 3 (emphasis added).* However, in the Exhibit A "Table 2: Solatium Awards" attachment to the July 29<sup>th</sup> Order, this Court repeated the Report's two clerical errors and reversed the solatium damages judgment amounts for Plaintiffs Jordan and Justin Lyles, awarding solatium damages of \$4,250,000 to Jordan Lyles and solatium damages of \$8,500,000 to Justin Lyles. *See July 29th Order, at 6.*

- 3) These errors are the result of clerical mistakes and arise from a technical oversight or omission, and they are clearly contrary to both the analysis of the relevant issues and the intent of both Magistrate Judge Netburn and this Court.

4) These clerical errors impact the ability of Plaintiffs Jordan Lyles and Justin Lyles in seeking to enforce and collect on these judgments. These clerical errors further impact their ability to seek full compensation from the U.S. Victims of State Sponsored Terrorism Fund.

WHEREFORE, Plaintiffs respectfully request the issuance of the Corrected Order of Partial Final Default Judgments on Behalf of *Burnett/Iran* Plaintiffs Jordan Lyles and Justin Lyles as set forth in Exhibit A to this motion.

Dated: February 18, 2024

Respectfully submitted,

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